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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/834,499
Filing Date: April 12, 2001
Appellant(s): GOETZ, JOSEPH R.

Jordan M. Meschkow
For Appellant

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GROUP 2800

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 16, 2004.

(1) ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the Appellant provides a separate argument for claims 6,11,12,13 and 14 from that of claims 1,15 and 18.

Therefore, the grouping of claims is follows:

Claims 1-5,7-10 and 15-19 stand or fall together.

Claim 6 stands by itself.

Claim 11 stands by itself.

Claim 12 stands by itself.

Claim 13 stands by itself.

Claim 14 stands by itself.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,708,307	Iijima et al.	01-1998
6,285,948	Takagi et al.	09-2001
6,112,152	Tuttle, John R.	08-2000
6,175,308	Tallman et al.	01-2001
5,040,212	Bathards, Charles	08-1991
6,580,972	Strohbeck, Walter	03-2003
3,784,839	Weber, John A.	01-1974
3,864,651	Flanagan, Charles D.	02-1975
4,412,267	Hansen, James E.	10-1983
5,313,189	Dodd et al.	05-1994
5,155,494	Bryant et al.	10-1992

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-4, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948).

Referring to claim 1, Iijima et al. disclose an automatic vehicle theft prevention system for selectively enabling an ignition system of a vehicle, said ignition system being operable using an ignition key, and said system comprising:

an interrogator circuit (2 and 3) (i.e. a vehicular antenna and transmitter-receiver) including a signal generator (3) (i.e. a transmitter-receiver) for generating an excitation (i.e. a pulse signal waves) signal and an antenna (2) (i.e. a vehicle antenna) coupled to said signal generator (3) (i.e. a transmitter-receiver) for radiating said excitation signal and receiving a return signal (col. 3 line 31 to col. 4 line 16 and col. 7 lines 15-30; see Figures 1-3);

a transponder circuit (201) (i.e. transponder) from said ignition key (204) (i.e. key element) for detecting said excitation signal and radiating said return signal, said transponder circuit modulating said excitation signal to produce said return signal containing an identification code for said transponder circuit (201) (col. 7 lines 15-30);

a controller (203) (i.e. an immobilizer unit) in communication with said antenna (221) for detecting said identification code (i.e. an ID number) in said return signal (col. 12 lines 26-65; see Figure 8); and

a relay (263) actuated to an enable mode by said controller (203) (i.e. an immobilizer unit) when said controller (203) detects said identification code (i.e. a ID number), said relay (263) being actuated to enable said ignition system (col. 8 lines 29-65 and col. 9 lines 29-45; see Figure 8).

However, Iijima et al. did not explicitly disclose the transponder circuit is separated from said ignition key for detecting said excitation signal and radiation said return signal, said transponder circuit modulating said excitation signal to produce said return signal containing an identification code for said transponder circuit.

In the same field of endeavor of unauthorized vehicle access system, Takagi et al. teach a transponder circuit (18a) (i.e. a transponder circuit) separate from said ignition key (18) (i.e. a key) for detecting said excitation signal and radiation said return signal, said transponder circuit (18a) (i.e. a transponder circuit) modulating said excitation signal to produce said return signal containing an identification code (i.e. an ID code) for said transponder circuit (18a) (col. 4 lines 12- 24 and col.6 lines 66-67; see Figure 2) in order to access the vehicle in case an original key is lost and possibility

there is an additional key in the vehicle that the driver can use to start the ignition system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to separate the transponder circuit from said ignition key for detecting said excitation signal and radiation said return signal, said transponder circuit modulating said excitation signal to produce said return signal containing an identification code for said transponder circuit of system disclosed by Takagi et al. into system of Iijima et al. because Takagi et al. teach separating the transponder from the key as an alternative to combining the two in order to achieve the same end result.

Referring to claim 3, Iijima et al. in view of Takagi et al. disclose the method of claim 1, Takagi et al. disclose further wherein said excitation signal provides power to said transponder circuit (col. 2 lines 40-46 and col. 6 lines 28-30).

Referring to claim 4, Iijima et al. in view of Takagi et al. disclose the method of claim 1, Iijima et al. disclose further wherein said controller (203) (i.e. an immobilizer unit) comprises: an input (224) (i.e. a demodulator) for receiving a predetermined authorized identification code (i.e. an ID number); and a memory element (231) in communication with said input (224) (i.e. a demodulator) for storing said predetermined authorized identification code (i.e. an ID number), said controller (203) (i.e. an immobilizer unit) to said enable mode in response to a match between said detected

identification code (i.e. an ID number) and said predetermined authorized (col. 4 lines 39-46, col. 4 line 63 to col. 5 line 3 and col. 9 lines 31-45; see Figures 4 and 5).

Referring to claim 8, Iijima et al. in view of Takagi et al. disclose the method of claim 1, Iijima et al. disclose further wherein said relay (263) is actuated to a disable mode whenever said controller fails to detect said identification code (col. 9 lines 31-45).

Referring to claim 9, Iijima et al. in view of Takagi et al. disclose the method of claim 1, Iijima et al. disclose further wherein said ignition system includes an ignition switch (262) (i.e. an ignition start switch) and a starter mechanism (264) (i.e. a starter motor), and said system further comprises:

an input (204) (i.e. a key) configured to be coupled to an output (i.e. a battery) of said ignition switch, and said input (204) being in communication with an input (204) of said relay (263); and

an output (i.e. a battery) in communication with an enable mode output (i.e. a battery) of said relay (263) and configured to be coupled to an input (204) of said starter mechanism (264) (col. 8 lines 31-34 and col. 9 lines 31-40).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948) as applied to claim 1 above, and further in view of Tuttle (US# 6,112,152).

Referring to claim 2, Iijima et al. in view of Takagi et al. disclose a system of claim 1 above. However, Iijima et al. in view of Takagi et al. did not explicitly disclose the transponder circuit is a mobile radio frequency identification (RFID) data carrier including a memory element for storing said identification code.

In the same field of endeavor of key assembly for vehicle access system, Tuttle teaches that a transponder circuit is a mobile radio frequency identification (RFID) data carrier including a memory element for storing said identification code (col. 2 lines 34-41; see Figure 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include that a transponder circuit is a mobile radio frequency identification (RFID) data carrier including a memory element for storing said identification code of system disclosed by Tuttle into system of Iijima et al. and Takagi et al. with the motivation for doing so would allow a transponder circuit acts as a RFID carrier with a memory included.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948) as applied to claim 4 above, and further in view of Tallman et al. (US# 6,175,308).

Referring to claim 5, Iijima et al. in view of Takagi et al. disclose a system of claim 4 above. However, Iijima et al. in view of Takagi et al. did not explicitly disclose wherein the input is a data port configured for interconnection with an external

programming device, said external programming device providing said predetermined authorized access code.

In the same field of endeavor of duress security system, Tallman et al. teach wherein the input is a data port (251) (i.e. data port) configured for interconnection with an external programming device (i.e. personal computer), said external programming device providing said predetermined authorized access code (col. 6 lines 40-63) in order to program the processor.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include an input is a data port configured for interconnection with an external programming device, said external programming device providing said predetermined authorized access code of duress security system disclosed by Tallman et al. into system of Iijima et al. and Takagi et al. with the motivation for doing so would allow a programming device to program ID code used in the automatic vehicle theft prevention system.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948) as applied to claim 4 above, and further in view of Bethards (US# 5,040,212).

Referring to claim 6, Iijima et al. in view of Takagi et al. disclose a system of claim 4 above. However, Iijima et al. in view of Takagi et al. did not explicitly disclose wherein said input is said antenna configured for radio frequency communication with

an external programming device, said external programming device providing said predetermined authorized access code.

In the same field of endeavor of programming code, Bethards teaches wherein said input is said antenna (62) (i.e. antenna) configured for radio frequency communication with an external programming device (10 or 20), said external programming device providing said predetermined authorized access code (col. 3 line 63 to col. 4 line 6 and col. 4 lines 35-45; see Figures 2-3) in order to transfer codebook data to the subscriber unit.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include an antenna configured for radio frequency communication with a codebook data disclosed by Bethards into controller device of Iijima et al. and Takagi et al. with the motivation for doing so would allow the preset code in the controller is used to communicate with the transponder to operate the vehicle system.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948) as applied to claim 4 above, and further in view of Strohbeck (US# 6,580,972).

Referring to 7, Iijima et al. in view of Takagi et al. disclose a system of claim 4 above. However, Iijima et al. in view of Takagi et al. did not explicitly disclose wherein an identification code is a first identification code; said predetermined authorized

identification code is a first predetermined authorized identification code; said input of said controller is configured to receive a second predetermined authorized identification code; said memory element is configured to store said second predetermined authorized code; and said system further comprises a second RFID data carrier separate from said ignition key for detecting said excitation signal and radiating said return signal, said second RFID data carrier including a memory element for storing a second identification code for said second RFID data carrier, and said second RFID data carrier modulating said excitation signal to produce said return signal containing said second identification code, wherein when said controller detects a match between said detected second identification code and said second predetermined authorized identification code, said relay is actuated to said enable mode to enable said ignition system.

In the same field of endeavor of keyless vehicle access system, Strohbeck teaches wherein an identification code is a first identification code (S1) (i.e. a special data); said predetermined authorized identification code is a first predetermined authorized identification code (V1) (i.e. a confidential data); said input of said controller (10) (i.e. a control device) is configured to receive a second predetermined authorized identification code (V2); said memory (12) element is configured to store said second predetermined authorized code (V2); and said system further comprises a second RFID data carrier (T2) (i.e. a second transponder) separate from said ignition key for detecting said excitation signal and radiating said return signal, said second RFID data carrier (T2) including a memory (i.e. memory storage) element for storing a second

identification code (S2) for said second RFID data carrier (T2), and said second RFID data carrier (T2) modulating said excitation signal to produce said return signal containing said second identification code (S2), wherein when said controller (10) detects a match between said detected second identification code (S2) and said second predetermined authorized identification code (V2), said relay is actuated to said enable mode to enable said ignition system (col. 2 lines 60-67, col. 3 line 58 to col. 4 line 4 and col. 4 line 63 to col. 5 line 5; see Figure 1) in order to obtain an authorization code is match to operate the vehicle.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include that an identification code is a first identification code; said predetermined authorized identification code is a first predetermined authorized identification code; said input of said controller is configured to receive a second predetermined authorized identification code; said memory element is configured to store said second predetermined authorized code; and said system further comprises a second RFID data carrier separate from said ignition key for detecting said excitation signal and radiating said return signal, said second RFID data carrier including a memory element for storing a second identification code for said second RFID data carrier, and said second RFID data carrier modulating said excitation signal to produce said return signal containing said second identification code, wherein when said controller detects a match between said detected second identification code and said second predetermined authorized identification code, said relay is actuated to said enable mode to enable said ignition system of system disclosed by Strohbeck into

the system of Iijima et al. and Takagi et al. with the motivation for doing so would allow the secondary person with the additional transponder to operate the vehicle.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948) as applied to claim 1 above, and further in view of Weber (US# 3,784,839).

Referring to claim 10, Iijima et al. in view of Takagi et al. disclose a system of claim 1 above. However, Iijima et al. in view of Takagi et al. did not explicitly disclose wherein said ignition system includes an ignition switch activated by said ignition key, and said system further includes a latching relay actuated in response to a momentary actuation of said relay when said controller detects said identification code, said latching relay being adapted to remain latched until said ignition switch is deactivated.

In the same field of endeavor of anti-theft apparatus, Weber discloses wherein said ignition system includes an ignition switch activated by said ignition key, and said system further includes a latching relay actuated in response to a momentary actuation of said relay when said controller detects said identification code, said latching relay being adapted to remain latched until said ignition switch is deactivated (col. 1 lines 37-60) in order to keep the engine running until the ignition key is removed.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include that the ignition system includes an ignition switch activated by said ignition key, and said system further includes a latching

relay actuated in response to a momentary actuation of said relay when said controller detects said identification code, said latching relay being adapted to remain latched until said ignition switch is deactivated of apparatus disclosed by Weber into system of Iijima et al. and Takagi et al. with the motivation for doing so would allow the ignition system remain running until ignition switch is deactivated.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948) and Weber (US# 3,784,839) as applied to claim 10 above, and further in view of Flanagan (US# 3,864,651).

Referring to claim 11, Iijima et al. in view of Takagi et al. and Weber disclose a system of claim 10 above. However, Iijima et al. in view of Takagi et al., and Weber did not explicitly disclose further comprising an override switch in communication with an input of said latching relay wherein activation of said override switch causes said latching relay to be latched to continuously enable said ignition system.

In the same field of endeavor of vehicle control unit, Flanagan discloses further comprising an override switch (10) (i.e. a magnetic relay acts as an override switch) in communication with an input of said latching relay wherein activation of said override switch (10) causes said latching relay (26) (i.e. a latching switch) to be latched to continuously enable said ignition system (col. 3 lines 39-66; see Figure 1) in order to permit the automobile to start.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include an override switch in communication with an input of said latching relay wherein activation of said override switch causes said latching relay to be latched to continuously enable said ignition system disclosed by Flanagan into the system of Iijima et al., Takagi et al. and Weber with the motivation for doing so would allow the override switch enabling the ignition system operative.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948), Weber (US# 3,784,839) and Flanagan (US# 3,864,651) as applied to claim 11 above, and further in view of Hansen (US# 4,412,267).

Referring to claim 12, Iijima et al. in view of Takagi et al., Weber and Flanagan disclose a system of claim 11 above. However, Iijima et al. in view of Takagi et al., Weber and Flanagan did not explicitly disclose wherein activation of said override switch causes said latching relay to remain latched to continuously enable said ignition system only following actuation of said latching relay by said relay.

In the same field of endeavor of a relay circuit device, Hansen discloses wherein activation of said override switch (SW3) causes said latching relay (24a) to remain latched to continuously enable said ignition system only following actuation of said latching relay by said relay (col. 3 line 61 to col. 4 line 9; see Figure 1) in order to energize the main relay coil.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include that an activation of said override switch causes said latching relay to remain latched to continuously enable said ignition system only following actuation of said latching relay by said relay of system disclosed by Hansen into the system of Iijima et al., Takagi et al., Weber and Flanagan with the motivation for doing so would allow the override switch to cause latching relay to be latched continuously enabling the ignition system running.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948), Weber (US# 3,784,839) and Flanagan (US# 3,864,651) as applied to claim 11 above, and further in view of Dodd et al. (US# 5,313,189).

Referring to claim 13, Iijima et al. in view of Takagi et al., Weber and Flanagan disclose a system of claim 11 above. However, Iijima et al. in view of Takagi et al., Weber and Flanagan did not explicitly disclose an indicator in communication with an output of said override switch and energized when said override switch is activated.

In the same field of endeavor of vehicle safety system, Dodd et al. disclose an indicator (51) (i.e. a warning indicator) in communication with an output of said override switch (50) and energized when said override switch (50) is activated (col. 4 lines 53-67; see Figure 11) in order to indicate the override switch is on.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add an indicator in communication with an output of said override switch and energized when said override switch is activated of system disclosed by Dodd et al. into system of Iijima et al., Takagi et al., Weber and Flanagan with the motivation for doing so would allow an indication of the override switch when being active.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948) as applied to claim 1 above, and further in view of Bryant et al. (US# 5,155,494).

Referring to claim 14, Iijima et al. in view of Takagi et al. disclose the system of claim 1 above. However, Iijima et al. in view of Takagi et al. did not explicitly disclose wherein said antenna is configured for placement inside a passenger compartment of said vehicle.

In the same field of endeavor of vehicle antenna system, Bryant et al. disclose wherein said antenna is configured for placement inside a passenger compartment of said vehicle (col. 3 lines 41-51 and col. 4 lines 55-60) in order for the signal to broadcast to another antenna.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include that an antenna is configured for placement inside a passenger compartment of said vehicle of antenna system disclosed

by Bryant et al. into system of Iijima et al. and Takagi et al. with the motivation for doing so would allow the communication of an on board controller with the transponder.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948).

Referring to claim 15, Iijima et al. in view of Takagi et al. disclose an automatic vehicle theft prevent system, to the extent as claimed with respect to claim 1 above, and the system further including:

a mobile radio frequency identification (RFID) data carrier (18a) (i.e. a transponder) separate from said ignition key (18) for detecting said excitation signal and radiation said return signal, said RFID data carrier (18a) including a memory element for storing an identification for said RFID data carrier (18a), and said RFID data carrier (18a) modulating said excitation signal to produce said return signal containing said identification code (col. 2 lines 41-46, col. 6 lines 18-36 and col. 6 lines 66-67) (Takagi et al.)

a controller (203) (i.e. an immobilizer unit) in communication with said antenna (221) for detecting said identification code (i.e. an ID number) in said return signal, said controller including:

an input (202) (i.e. an antenna unit) for receiving a predetermined authorized identification code; and

a memory element (231) in communication with said input (202) (i.e. an antenna unit) for storing said predetermined authorized identification code; and

a relay (263) actuated to an enable mode by said controller (202 and 203) when said controller (203) (i.e. an immobilizer unit) detects a match between said detected identification code and said predetermined authorized identification code, and said relay (263) being actuated to said enable mode to enable said ignition system.(col. 8 lines 29-65 and col. 9 lines 29-45; see Figure 8) (Iijima et al.); and

a relay (263) actuated by said controller (203) (i.e. an immobilizer unit) to one of an enable mode and a disable mode, said relay (263) being actuated to said enable mode to enable said ignition system in response to detection of said identification code, and said relay (263) being actuated to said disable mode to disable said ignition system whenever said controller fails to detect said identification code (col. 8 lines 29-65 and col. 9 lines 29-45; see Figure 8) (Iijima et al.).

Referring to claim 16, Iijima et al. in view of Takagi et al. and Tallman disclose a vehicle theft prevention system in claim 1, claim 16 same in that the combine of claims 5 and 6 already addressed above. Therefore, claim 16 is also rejected for the same reasons given with respect to claims 5 and 6 combined.

Referring to claim 17, Iijima et al. in view of Takagi et al. and Strohbeck disclose a vehicle theft prevention system in claim 1, claim 17 same in that of claim 7 already

addressed above. Therefore, claim 17 is also rejected for the same reasons given with respect to claim 7.

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US# 5,708,307) in view of Takagi et al. (US# 6,285,948).

Referring to claim 18, Iijima et al. in view of Takagi et al. disclose an automatic vehicle theft prevent system, to the extent as claimed with respect to claim 1 and 15 above, and the system further including:

a relay (263) actuated by said controller to one of an enable mode (i.e. in a close mode position) and a disable mode (i.e. in an open mode position), said relay (263) being actuated to said enable mode (i.e. in a close mode position) to enable said ignition system in response to detection of said identification code, and said relay (263) being actuated to said disable mode (i.e. in an open mode position) to disable said ignition system whenever said controller fails (i.e. ignition cannot start) to detect said identification code (col. 9 lines 17-45; see Figure 8) (Iijima et al.).

Referring to claim 19, Iijima et al. in view of Takagi et al. and Bryant et al. disclose a vehicle theft prevention system in claim 1, claim 19 same in that of claim 14 already addressed above. Therefore, claim 19 is also rejected for the same reasons given with respect to claim 14.

Referring to claim 20, Iijima et al. in view of Takagi et al., Weber, Flanagan, Hansen, Dodd et al. and Bryant et al. disclose a vehicle theft prevention system in claim 1, claim 20 same in that the combine of claims 10,11,12 and 13 already addressed above. Therefore, claim 20 is also rejected for the same reasons given with respect to claims 10,11,12 and 13 combined.

(11) Response to Argument

A. On page 12, fourth paragraph, Appellant's argument that "Iijima fails to expressly articulate a motivation for making the modification suggested by the Examiner", is not persuasive.

In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that reference cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Iijima discloses the claimed invention "a transponder circuit (11) (i.e. transponder) for detecting said excitation signal and radiating said return signal, said transponder circuit (11) (i.e. transponder) modulating said excitation signal to produce said return signal containing an identification code for said transponder circuit (11) (i.e.

transponder) (col. 3 lines 35-44, col. 7 lines 13-57 and col. 12 lines 31-46) except for "a transponder circuit separate from said ignition key". Takagi teaches that a transponder circuit can be with the key (col. 2 lines 35-36) or separate from said ignition key (col. 6 lines 66-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to separate the transponder circuit from said ignition key of system disclosed by Takagi et al. into system of Iijima et al. because Takagi et al. teach separating the transponder from the key as an alternative to combining the two in order to achieve the same end result.

B. On page 15, fourth paragraph continuing to page 16 of first paragraph, Appellant's argument that "there is no suggestion or incentive to combine the teaching of Iijima, Takagi and Bethards to render obvious Appellant's invention of claim 6", is not persuasive.

The fact that Iijima et al. disclose an anti-theft car protection system and Takagi et al. disclose a vehicle security system with a separated transponder from the ignition key preventing unauthorized intruder and burglar, wherein the controller unit of the vehicle is programmed to communicate with the user's transponder (i.e. see Figure 1, col. 3 lines 34-45 of Iijima et al.) and (i.e. see Figure 1, col. 2 lines 35-45, col. 6 lines 66-67 of Takagi et al.), Bethards suggest a programming device (20) communication via modulated light waves (optical or rf) or interface cable with a subscriber unit (22) for transferring codebook identification codes (col. 3 lines 63-67 and col. 4 lines 1-15) is

what renders claim 6 obvious. One skilled in the art recognizes external programming device of Bethards is desirable in the vehicle security system of Iijima et al. and Takagi et al. with the motivation for doing so would allow the preset code in the controller is used to communicate with the transponder to operate the vehicle system.

C. On page 19, third paragraph, Appellant's argument that "one skill in the art would not have found the invention of claim 11 obvious without the claim as a guide to selectively pick and choose elements and concepts from the prior art", is not persuasive.

In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that reference cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

The fact that Iijima et al. in view of Takagi et al. and Weber disclose operating a vehicle security system, Weber disclose the starter circuit is controlled by a latching relay and starting the ignition upon user input (col. 1 lines 37-60), and Flanagan suggests an override switch for when interlock relay is inoperative for any reason to permit the automobile to be started (col. 3 lines 39-66) is what renders the claim

obvious. One skilled in the art recognizes override switch of Flanagan is desirable in the vehicle security system of Iijima et al. in view of Takagi et al. and Weber with the motivation for doing so would allow the override switch enabling the ignition system operative.

D. On page 21, first paragraph, Appellant's argument that "one skill in the art would not have found the invention of claim 12 obvious without the claim as a guide to selectively pick and choose elements and concepts from the prior art", is not persuasive.

In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that reference cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Hansen discloses in the same field of endeavor of override switches that switch SW3 is an "override" switch, when this switch is closed, the main relay coil 14c is directly energized, and the main relay 14 is closed, regardless of the condition of the rest of the circuit (col. 3 line 65 to col. 4 line 2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include override function of a circuit control device of Hansen is desired in the vehicle control unit

of Iijima et al. in view of Takagi et al., Weber and Flanagan with the motivation for doing so would allow the override switch to cause latching relay to be latched continuously enabling the ignition system operative.

E. On page 22, first paragraph, Appellant's argument that "one skill in the art would not have found the invention of claim 13 obvious without the claim as a guide to selectively pick and choose elements and concepts from the prior art", is not persuasive.

In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that reference cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Dodd et al. disclose an override switch (50) with the warning indicator (51) preventing the control of the programmable logic controller (col. 4 lines 53-67). Iijima et al. in view Takagi et al., Weber and Flanagan, wherein Flanagan suggests an override switch causing for any reason to permit the automobile to be started (col. 3 lines 39-66). One skilled in the art recognizes override switch indicator of Dodd et al. is desire in the vehicle security system of Iijima et al. in view Takagi et al., Weber and Flanagan with

the motivation for doing so would allow the individual the status of the override switch function.

F. On page 23, third paragraph, Appellant's argument that "one skill in the art would not have found the invention of claim 14 obvious without the claim as a guide to selectively pick and choose elements and concepts from the prior art", is not persuasive.

In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that reference cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Bryant et al. disclose an antenna may be positioned within the passenger compartment of the vehicle and connected to the external radiator by cabling (col. 4 lines 55-60). Iijima et al. suggest antenna (2) of the vehicle unit communicates with transponder (11) of the key (1) (i.e. see Figure 1), Takagi et al. suggest antenna (22) of the vehicle unit communicates with transponder (18A) (i.e. see Figure 1). One skilled in the art recognizes placement of antenna in a passenger compartment of Bryant et al. is desirable in the vehicle system of Iijima et al. in view of Takagi et al. with the motivation for doing so would allow the placement of an antenna in the passenger compartment as

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an alternative of having an antenna placed under the dashboard or else in the vehicle to communicate with external transponder device.

For the above reasons, it is believed that the rejections should be sustained.

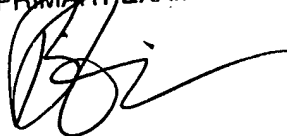
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